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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,837	01/12/2004	Michael John Burkhart	AUS920030965US1	9839
34533 7590 06/10/2009 INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469			EXAMINER KUMAR, ANIL N	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 06/10/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/755,837	<b>Applicant(s)</b> BURKHART ET AL.	
	<b>Examiner</b> ANIL N. KUMAR	<b>Art Unit</b> 2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 7, 13, 19, 25 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 13, 19, 25 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This communication is responsive to the **amendment filed March 24, 2009** (original application filed January 12, 2004). Applicant has amended claims 1, 7, 13, 19, 25, 31, and cancelled claims 2-6, 8-12, 14-18, 20-24, 26-30 and 32-36. Claims 1, 7, 13, 19, 25 and 31 are pending of which claims 1, 7, 13, 19, 25 and 31 are in independent form. Claims 1, 7, 13, 19, 25 and 31 are presented for examination

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7, 13, 19, 25 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. ("Gordon", US 2004/0044635 A1) in view of Lortz (US 6505243 B1), in view of NPL (A busy-tone based directional MAC protocol for ad hoc networks, cited December 24, 2008) and in further view of Walker et al. ("Walker", US 2004/0127284 A1).

Claim 1: Gordon discloses a computer implemented method for displaying a help resource associated with a device on a remote display apparatus, the method comprising;

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- receiving, in a display apparatus (monitor 147 in Fig. 1), a plurality of help messages created in a plurality of devices (goal of the present invention is to provide a help architecture 40 that facilitates providing help from one or more local and/or remote help libraries 42 based on the current overall context of the application 10, paragraphs [0075-0078] and Fig. 6), wherein a help message includes an importance rating that identifies an importance of the help message (A context message 14 from a component 12 may contain keywords only, attributes only, or some combination of the two. As will be explained in more detail below, the keywords in a context message 14 are employed to locate help topics, and the attributes in a context message are employed to filter and prioritize –importance rating- the located topics, paragraph [0032]);
- prioritizing one of the plurality of help messages comprising selecting a help message in dependence upon a importance rating included in the help message (the sorted list 22 may then be displayed to the user of the application 10 ... to be perused by the user -and selected-, paragraph [0070])
- retrieving, in dependence upon the prioritized help message, a help resource (the help engine 16 retrieves help topics 18 from one or more help libraries 20, evaluates and prioritizes the retrieved topics 18, paragraph [0036]);
- and displaying, with the display apparatus, the help resource (display sorted list 22 to user of application 10 in list display area 26 – 319, paragraph [0070] and Fig. 3).

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but does not explicitly teach,

- and a device identification that identifies a device that created the help message;
- notifying at least one of the plurality of devices that the display apparatus, creating, in the display apparatus message; and transmitting the message to at least one of the plurality of devices.

However, Lortz teach, an invention that provides device-specific help information (Abstract) and further teach, an inspection of the device's name, device id, or other characteristics (column 6 lines 51-61) and if a timer device were being installed, its operative status might be delayed (column 5 lines 57-61), and further teach, notifying, creating and transmitting messages from a device, like a DHCP server with display, to plurality of client devices in a network (column 3 lines 12-45). It would have been obvious to an artisan at the time of this invention to combine the method of including device identification, communication and status information into the help message, as taught by Lortz, with Gordon's suggestion, the keywords and attributes in a context message 14 from a component 12 may vary based on the current context of the component 12 (paragraph 31), in order to provide user access to device information in the help message, as the user may want messages specific to components/devices.

However, Gordon or Lortz do not explicitly teach sending a busy status as a message. However, NPL clearly teach the steps of using the busy status as a message to other device. Furthermore, using busy signal is well known in the art,

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examples of which are, any basic networking protocols, such as IEEE 802.11a or MAC protocol. Therefore it would have been obvious to an artisan at the time of this invention to combine the teaching of NPL with modified Gordon , in order to provide a means for sending a busy signal to client/peer devices, so that the devices can differentiate between busy and unreachable states, and retry the busy device later on.

Either Gordon, Lortz or NPL, singularly or in combination, do not explicitly teach,

- wherein the importance rating is included in the help message when the help message is created in the device;

However, Walker teach, that the present invention provides systems and methods useful to selectively output helpful and desirable messages (paragraph [0040]) and further teach, the importance of rating (As shown in these figures, the order of the list may be dependent on the priorities –rating based on points- of the messages, paragraph [0153-0154] and Figs. 14A/B). It would have been obvious to an artisan at the time of this invention to combine the method of rating the importance of message, as taught by Walker, with modified Gordon, in order to provide user more information in the help message, as it would be very helpful for the user to receive a messages based on its importance.

Claim 7 is similar in scope to claim 1, and therefore rejected under similar rationale. Furthermore, Lortz teach, a network-attachable device such as services gateway (column 1 lines 57-64).

Claim 13 is similar in scope to claim 1, and therefore rejected under similar rationale. Furthermore, Gordon teach, a computer system (Fig. 1).

Claims 19 is similar in scope to combination of claim 7 and claim 13, and therefore rejected under similar rationale.

Claim 25 is similar in scope to claim 1, and therefore rejected under similar rationale. Furthermore, Gordon teach, a recording medium (reading from or writing to a removable optical disk 131 such as a CD-ROM, paragraph [0021]).

Claims 31 is similar in scope to combination of claim 7 and claim 25, and therefore rejected under similar rationale.

### ***Response to Arguments***

3. Applicant's arguments filed on March 24<sup>th</sup>, 2009 have been fully considered but they are moot in view of the new rejection.

A. Applicant argues, for Claim 1, "While a DHCP server may have a monitor attached to the server, it is the server and not the monitor that sends messages.

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That is, the display apparatus in such a system does not create a busy message and transmit the busy message like the display apparatus claimed here". The Examiner respectfully disagrees, and points out that the specification does not make any special claim for display apparatus (Examples of remote apparatuses capable of functioning as a remote display, apparatuses in the exemplary system of FIG. 1 include a PDA (106), a workstation (108), a laptop computer (110), or any other display apparatus that will occur to those of skill in the art, paragraph [0029]). Furthermore, the Examiner points out that a DHCP server has to be deployed on a processor, such as a workstation, and the examiner would invite the applicant to explain what exactly is the "monitor" that sends the message as opposed to some sort of a processor that is attached to the monitor/display.

- A. Applicant argues, for Claim 1, "Such a message is not, however, any indication that the device or the address is "busy" and thereby unavailable to display help messages". The Examiner respectfully disagrees, and points out, once again, sending busy signal is well known in the art. For example, the basic networking protocols, such as IEEE 802.11a MAC protocol, is well known in the art, and further directs the applicant to the previously sent NPL document "a busy-tone based directional MAC protocol for ad hoc networks".



### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil N. Kumar whose telephone number is (571) 270-1693. The examiner can normally be reached on Wednesdays and alternate Mon-Tue and Thu-Fri EST (Alternate Mon-Tue and Thu-Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Dennis Chow can be reached on (571) 272-7677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANK

/Boris Pesin/

Primary Examiner, Art Unit 2174

5/29/2009